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7 Counsel for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANY M. ABDOU,

12 Plaintiff,

13 v.

14 MICHAEL CHERTOFF, Secretary,) Department of Homeland Security; EMILO)
15 GONZALEZ, Director, United States) Citizenship and Immigration Services;)
16 PAUL PIERRE, District Director, U.S.) Citizenship and Immigration Services, San)
17 Diego District; CHRISTINA POULOS,) Director, U.S. Citizenship and Immigration)
18 Services, California Service Center;) MICHAEL B. MUKASEY, U.S. Attorney)
19 General; ROBERT MUELLER, Director,) Federal Bureau of Investigation,)

20 Defendants.)
21

Case No. 07cv2292-BTM (NLS)

AMENDED JOINT MOTION TO REMAND TO
USCIS

22 COME NOW THE PARTIES, Plaintiff Hany Abdou, by and through his counsel, Leah W.
23 Hurwitz, and Defendants Michael Chertoff, Secretary, U.S. Department of Homeland Security, et al., by
24 and through their counsel, Karen P. Hewitt, United States Attorney, and Megan Callan, Assistant United
25 States Attorney, and hereby jointly move the Court to remand this case to United States Citizenship &
26 Immigration Services ("USCIS") for adjudication.

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1 Plaintiff applied for naturalization under 8 U.S.C. § 1421 et seq. on or about November 8, 2005.
2 Plaintiff complains that Defendants have failed to process his application in a timely manner and prays
3 this Court order the adjudication of his application or otherwise order the expedition of the administrative
4 processing of his naturalization application.

5 The Federal Bureau of Investigation ("FBI") informed Plaintiff through counsel that his FBI
6 background check is complete, therefore any claims against the FBI are now moot. USCIS informed
7 Plaintiff through counsel that USCIS is prepared to adjudicate his application and anticipates adjudicating
8 the application within 30 days of the entry of the remand order. Remand to USCIS is required in order
9 for the agency to adjudicate. *See United States v. Hovsepien*, 359 F.3d 1144, 1160-61 (9th Cir. 2004)
10 (en banc) (concluding that district courts have exclusive jurisdiction over an action filed under 8 U.S.C.
11 § 1447(b)).

12 Based upon the foregoing, it is respectfully requested that the Court enter an order remanding this
13 case to USCIS.

14
15 Dated: March 13, 2008 s/ Leah W. Hurwitz
16 Counsel for Plaintiff
E-Mail: lhurw8000@aol.com

17 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures
18 of the United States District Court for the Southern District of California, I certify that the content of this
19 document is acceptable to counsel for the Plaintiff and that I have obtained authorization from Leah
20 Hurwitz to affix her electronic signature to this document.

21 Dated: March 13, 2008 Respectfully Submitted,
22 KAREN P. HEWITT
23 United States Attorney
24 s/ Megan Callan
25 MEGAN CALLAN
26 Assistant U.S. Attorney
Counsel for Defendants
Email: Megan.Callan@usdoj.gov
27
28

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7 Counsel for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANY M. ABDOU,)	Case No. 07cv2292-BTM (NLS)
)	
12 Plaintiff,)	
)	
13 v.)	PROOF OF SERVICE
)	
14 MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security; et al,)	
15)	
Defendants.)	
16)	

17 IT IS HEREBY CERTIFIED THAT:

18 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

19 I am not a party to the above-entitled action. I have caused service of: AMENDED JOINT
20 MOTION TO REMAND TO USCIS on the following party by electronically filing the foregoing with
the Clerk of the District Court using its ECF System, which electronically provides notice.

21 Leah W. Hurwitz
22 Counsel for Plaintiff
E-Mail: lhurw8000@aol.com

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on March 13, 2008.

25 s/ Megan Callan
26 Megan Callan
27
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